

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ROLANDO FIGUEROA SANTIAGO,
Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

CIVIL NO. 21-1227 (GLS)

ORDER

Plaintiff Rolando Figueroa Santiago (“Plaintiff”) filed a Complaint seeking review of a final decision of the Commissioner of Social Security (“Commissioner”) which denied his application for disability insurance benefits, and on October 26, 2021 the Commissioner submitted an answer to the Complaint. Docket Nos. 3 and 13.

On November 8, 2021, the Commissioner moved the Court to enter an order reversing its final decision and remanding Plaintiff’s case to the Social Security Administration for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Docket No. 14. Pursuant to the Commissioner, remand is warranted because the Social Security Administration (“SSA”) will revise its internal procedures for conducting redetermination hearings under Section 205(u) of the Social Security Act, 42 U.S.C. §405(u). And, as result of these procedural revisions, Plaintiff would have the opportunity to submit additional evidence in support of his claim, as well as the opportunity for a new hearing before an Administrative Law Judge. *Id.* at page 2. Plaintiff consented to the Commissioner’s request for remand. *Id.*

In view of the foregoing, the Commissioner’s motion is **GRANTED**, and the case is remanded for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. Section 405(g). Specifically, the Commissioner will grant Plaintiff an opportunity to submit additional evidence in support of his claim, and a new hearing will be held before an Administrative Law Judge. As requested by the Commissioner, and agreed by Plaintiff pursuant

to Docket No. 14, the Commissioner is ORDERED to: (1) reinstate Plaintiff's benefits, subject to the SSA's rules on eligibility for payment, from the date the SSA previously terminated such benefits; (2) continue to pay benefits until the ALJ issues a new decision in Plaintiff's case, subject to the SSA's rules on eligibility for payment; and (3) suspend the overpayment collection process for any overpayment that may have accrued as a result of the redetermination of Plaintiff's entitlement to benefits under Section 205 (u) of the Act until the ALJ issues a new decision after a hearing.

Judgment shall be entered remanding the case to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. Section 405(g).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 24th day of November 2021.

s/Giselle López-Soler
GISELLE LÓPEZ-SOLER
United States Magistrate Judge